

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NO. 3:12-CV-01100

PLAINTIFF'S APPENDIX TO
REPLY IN SUPPORT OF SUPPLEMENTAL MOTION TO REMAND

Plaintiff Highland Capital Management, L.P. (“Highland”) files its Appendix to its Reply in Support of its Supplemental Motion to Remand and would show the Court as follows:

<u>Description</u>	<u>Appendix Pages</u>
Declaration of Lewis T. LeClair	Appendix 1-2
Exhibit A: Apr. 6, 2012 Citation and Officer's Return for Babson Capital Management LLC.	Appendix 3-4
Exhibit B: Apr. 6, 2012 Citation and Officer's Return for Citigroup Global Markets, Inc.	Appendix 5-6

Dated: June 22, 2012

Respectfully submitted,

McKOOL SMITH P.C.

By: /s/ Lewis LeClair

Lewis LeClair
Texas State Bar No. 12072500
300 Crescent Court, Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4000
Facsimile: (214) 978-4044

**ATTORNEYS FOR PLAINTIFF,
HIGHLAND CAPITAL MANAGEMENT, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served on all counsel of record on this the 22nd day of June, 2012 through the CM/ECF system.

/s/ Lewis LeClair
Lewis LeClair

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HIGHLAND CAPITAL	§	
MANAGEMENT, L.P.,	§	
	Plaintiff,	§
		§
v.	§	
		§
CITIGROUP GLOBAL MARKETS,	§	NO. 3:12-CV-01100
INC., BABSON CAPITAL	§	
MANAGEMENT LLC, and THE BANK	§	
OF NEW YORK MELLON TRUST,	§	
N.A.,	§	
	Defendants.	§

DECLARATION OF LEWIS T. LECLAIR

I, Lewis T. LeClair, hereby declare under penalty of perjury that the facts set forth herein are true and correct to the best of my personal knowledge, and, if called as a witness, I could and would testify competently as set out below:

1. I am over 18 years of age and have never been convicted of a crime involving moral turpitude and am otherwise competent to make this declaration.
2. I am a principal of McKool Smith P.C. I am the lead counsel for Highland Capital Management, L.P. in this matter.
3. Attached hereto as Exhibit A are true and correct copies of the Citation and Officer's Return for Babson Capital Management LLC.
4. Attached hereto as Exhibit B are true and correct copies of the Citation and Officer's Return for Citigroup Global Markets, Inc.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

This Declaration is executed this 22nd day of June, 2012.



LEWIS T. LECLAIR

EXHIBIT A

FILED

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: BABSON CAPITAL MANAGEMENT, LLC BE SERVED THROUGH ITS REGISTERED AGENT CT CORPORATION SYSTEM
350 N ST PAUL ST STE 2900
DALLAS TX 75201-4234

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the 101st District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being HIGHLAND CAPITAL MANAGEMENT LP

Filed in said Court 5th day of April, 2012 against

CITIGROUP GLOBAL MARKETS INC., ETAL

For Suit, said suit being numbered DC-12-03783, the nature of which demand is as follows:
Suit on **OTHER CONTRACT** etc. as shown on said petition,
a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 6th day of April, 2012.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas
By Evette Lamb, Deputy

2012 APR 12 AM 11:22 CITATION
SAYED CLERK
DALLAS CO. TEXAS
DEPUTY DC-12-03783

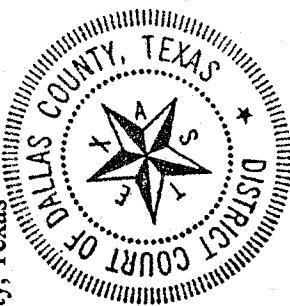
ISSUED THIS
6th day of April, 2012

**HIGHLAND CAPITAL
MANAGEMENT LP**
vs.
**CITIGROUP GLOBAL
MARKETS INC., et al**

By: EVETTE LAMB, Deputy

Attorney for Plaintiff
Lewis Titus Leclair
300 Crescent Court, STE 1500
Dallas Tx 75201
214-978-4984

**DALLAS COUNTY CONSTABLE
FEES NOT
PAID**



OFFICER'S RETURN

Case No. : DC-12-03783

Court No. 101st District Court

Style: HIGHLAND CAPITAL MANAGEMENT LP

vs.

CITIGROUP GLOBAL MARKETS INC et al

Came to hand on the 6th day of April, 2012, at 12:05 o'clock P M. Executed at 350 N. St. Paul, Ste 2900 Dallas Tx 75201 within the County of Dallas at 12:35 o'clock P M. on the 6th day of April, 2012,

by delivering to the within named

Babson Capital Management, LLC by delivering to CT Corporation System by leaving with Amber Carrouth, Authorized Agent

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____
For mileage \$ _____
For Notary \$ _____

(Must be verified if served outside the State of Texas.)

Adam Bridgewater before me this 16th day of April, 2012.

Signed and sworn to by the said Adam Bridgewater to certify which witness my hand and seal of office.

Gregory P. Benge
Notary Public Dallas County, Texas

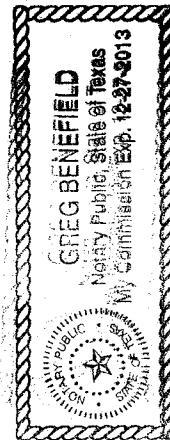


EXHIBIT B

FILED

FORM NO. 353-3 - CITATION
THE STATE OF TEXAS

To: CITIGROUP GLOBAL MARKETS INC BE SERVED THROUGH ITS REGISTERED AGENT CT CORPORATION SYSTEM
350 N ST PAUL ST STE 2900
DALLAS TX 75201-4234

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the

clerk of the 101st District Court at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being HIGHLAND CAPITAL MANAGEMENT LP

Filed in said Court 5th day of April, 2012 against

CITIGROUP GLOBAL MARKETS INC., ETAL

For Suit, said suit being numbered DC-12-03783, the nature of which demand is as follows:
Suit on OTHER CONTRACT etc. as shown on said petition,
a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 6th day of April, 2012.

ATTEST: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County, Texas

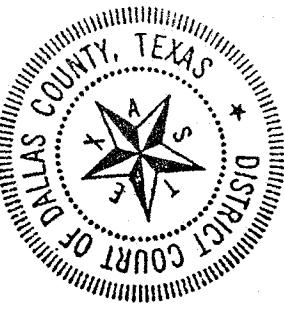
By Evette Lamb, Deputy
EVETTE LAMB

ATTY
CITATION
DC-12-03783

HIGHLAND CAPITAL
MANAGEMENT LP
vs.
CITIGROUP GLOBAL
MARKETS INC, et al

ISSUED THIS
6th day of April, 2012
GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas
By: EVETTE LAMB, Deputy
Attorney for Plaintiff
Lewis Titus Leclair
300 Crescent Court, STE 1500
Dallas Tx 75201
214-978-4984

DALLAS COUNTY CONSTABLE
FEES NOT PAID



OFFICER'S RETURN

Case No. : DC-12-03783

Court No. 101st District Court

Style: HIGHLAND CAPITAL MANAGEMENT LP

vs.

CITIGROUP GLOBAL MARKETS INC et al

Came to hand on the 6th day of April, 20 12, at 11:05 o'clock P M. Executed at 350 N. Haskell, Ste 2000, Dallas, Tx 75201
within the County of Dallas at 12:25 o'clock P M. on the 6th day of April, 20 12,
by delivering to the within named

Citigroup Global Markets Inc by delivering to CT Corporation
System by leaving with TimberCarrouth, Authorized Agent

each, in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____
For mileage \$ _____
For Notary \$ _____

Adam Bridgewater sch337 exp 7/31/14
of Dallas County Tx
By Adam Bridgewater DPOB

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said Adam Bridgewater before me this 10th day of April, 20 12,
to certify which witness my hand and seal of office.

Greg Benefield
Notary Public Dallas County Texas

